



January 14, 2014

Thuy Hua
LA County Department of Regional Planning
320 W Temple Street, 13th Floor
Los Angeles CA 90012

Dear Ms. Hua,

Land Veritas Corp. has reviewed the presentation materials and draft Renewable Energy Ordinance dated October 26, 2013 and offers this letter in response to your request for public comment, although we note that the comment period has passed.

Land Veritas owns two large properties where it is processing mitigation/conservation banks in Los Angeles County: a 317-acre site adjacent to Elizabeth Lake and the 3,852-acre Petersen Ranch. Likely consumers of the mitigation and conservation credits generated on these properties include utility-scale renewable energy developments within the banks' service areas.

As you know, Land Veritas has been working with the California Energy Commission and the DRECP on establishing mitigation standards for renewable energy projects. Attached please find a document produced for the DRECP regarding the preference for established mitigation banks.

The adoption of a comprehensive countywide Renewable Energy Ordinance presents an opportunity to reinforce the regulatory efficiency and conservation impact of mitigation banks. Banks are uniquely positioned to protect substantial contiguous ecological resources with long-term management structures. Therefore, we respectfully request that the Draft Ordinance include specific guidance on mitigation requirements via established banks. Such language might read:

Renewable energy projects that require habitat or waters of the U.S. or State and/or CEQA mitigation should utilize mitigation banks in Los Angeles County that have conservation easements and endowments in place to fund long-term habitat management in perpetuity.

Thank you for the opportunity to provide these comments. Please do not hesitate to contact me with any questions.

Sincerely,

Tracey Brownfield
President

Cc: Norm Hickling
Julie Vandermost
Terry Watt

DRECP Mitigation: Preference for Established Mitigation Banks

- In 2008, the U.S. Army Corps of Engineers released a Mitigation Rule that continues to serve as the template for environmental impact offsets in California. The Rule articulates a clear preference for established mitigation banks and provides incentives for private and public developers who utilize these banks.
- Statewide procedures for processing mitigation banks are identified in California State Senate Bill 1148. The bill requires all mitigation banks to establish conservation easements and secure bank approval in writing from the California Department of Fish and Wildlife (CDFW).
- Pursuant to the bill, all California mitigation banks are now subject to a rigorous review and approval process by an Internal Review Team (IRT) made up of state and federal regulatory agency representatives.
- The IRT process ensures that approved mitigation banks provide full protection, enhancement, and restoration of native habitat by requiring all mitigation banks to establish long-term perpetual management plans and/or conservation easements.
- Detailed plans for long-term resource management provide mitigation credit purchasers with assurance that environmental offset resources are protected and managed in perpetuity with appropriate funding mechanisms. Due to the complexity and vulnerability of environmentally sensitive resources, such planning is essential to the sustainability of lands set aside for mitigation.
- The assembly of larger tracts of protected land offered by the mitigation bank model is strongly preferred by regulatory agencies both for its institutional efficiency and its conservation effectiveness. According to the CDFW, "Mitigation banking helps to consolidate small, fragmented wetland mitigation projects into large contiguous sites which have much higher wildlife habitat value."
- Creating new or customized structures for offset credits will require significant time and cost in resource identification, regulatory approval, and long-term management, without the assurance of support from federal and state agencies.
- **Utilizing established mitigation banks offers a *streamlined, reliable, and credible* means for the DRECP to offset large-scale environmental impacts.**